

Exhibit C

From: [Jacobs, Elissa \(Law\)](#)
To: [Marquez, Lillian](#)
Cc: [Goykadosh, Brachah \(Law\)](#); [Robinson, Amy \(LAW\)](#); [Weiss, Dara \(Law\)](#); [AG-NYPD Litigation](#); [Grodin, Jaclyn](#)
Subject: Re: Request for Officer Identification/ DOI Subpoena
Date: Wednesday, July 14, 2021 2:10:11 PM
Attachments: [image001.png](#)

Lillian,

He is not working on Mondays and so is unavailable that day. We are working to reschedule and will let you know.

Elissa

Sent from my iPhone

On Jul 14, 2021, at 2:03 PM, Marquez, Lillian <Lillian.Marquez@ag.ny.gov> wrote:

Elissa,

Having received no notice of any immovable conflict, attached is the amended notice of deposition for Sgt. Majer Saleh for 10 a.m. on July 19, 2021.

The videoconference link is below.

WebEx information:

Meeting link: <https://nyoag.webex.com/nyoag/j.php?MTID=mf0b81b6bafc5a055e0f41650bfc83f9e>
Meeting number: 161 606 0471
Password: PPpZjquV295

Join by phone: +1-415-655-0002 US Toll
Access code: 161 606 0471

Regards,

Lillian Marquez | Assistant Attorney General
New York State Office of the Attorney General, Civil Rights Bureau
28 Liberty St., New York, NY 10005
Tel: 212-416-6401 | lillian.marquez@ag.ny.gov | www.ag.ny.gov
Pronouns: She/Her/Hers

From: Grodin, Jaclyn
Sent: Monday, July 12, 2021 8:41 PM

To: Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>; Marquez, Lillian
<Lillian.Marquez@ag.ny.gov>

Cc: Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Robinson, Amy (LAW)
<arobinso@law.nyc.gov>; Weiss, Dara (Law) <daweiss@law.nyc.gov>; AG-
NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>

Subject: RE: Request for Officer Identification/ DOI Subpoena

Elissa,

On July 2, 2021, Dara chose to schedule Sgt. Majer Saleh's deposition for July 13, 2021. The July 13 deposition date followed two prior adjournments by your office for Sgt. Saleh's deposition, neither of which was based on any substantive objection, and for which your office failed to participate in the requested meet and confer on or about June 28, 2021, prior to the parties' last Court conference. And, while references to the deposition of an officer noticed by another party (here, the Sow plaintiffs) are irrelevant to depositions noticed by OAG, our understanding is that the circumstances of the agreed-upon adjournment of the deposition of Officer Mattias bear no resemblance to those at issue concerning the deposition of Sgt. Saleh.

Today at 3:14 PM, less than 24 hours before the commencement of Sgt. Saleh's deposition, you unilaterally sought to adjourn the deposition, and took another three hours to advise that the basis of the adjournment was Sgt. Saleh's purported inability to participate in deposition preparation because he was on vacation. Your explanation is wholly inadequate. You provide no explanation as to why you did not know previously that July 13 would not work for you and you provide no explanation as to why you waited less than 24 hours prior to Sgt. Saleh's deposition to advise OAG of this issue. OAG has been preparing to proceed based on your requested July 13 date since as early as July 2, and your last-minute demand that OAG adjourn based on information that has been, or should have been, in your possession for weeks is neither appropriate nor professional.

Notwithstanding the foregoing, and reserving all rights, OAG will agree to adjourn the deposition of Sgt. Majer Saleh until 10:00 AM on Monday, July 19. Absent an immovable conflict that you should alert us of by no later than 5:30 PM tomorrow (including the details of the purported conflict), we will proceed on that date. Please be advised that our Office will seek any costs or expenses resulting from the City's last minute cancellation from your client, including, but not limited to, cancellation fees, rescheduling fees, and any court reporter costs that may be incurred notwithstanding the adjournment.

Regards,
Jackie

Jaclyn H. Grodin

Assistant Attorney General | Investor Protection Bureau
New York State Office of the Attorney General
28 Liberty Street, New York, New York 10005
Tel: 212.416.6210 | jaclyn.grodin@ag.ny.gov

<image001.png>

From: Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>
Sent: Monday, July 12, 2021 6:16 PM
To: Grodin, Jaclyn <Jaclyn.Grodin@ag.ny.gov>; Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Cc: Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Weiss, Dara (Law) <daweiss@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>
Subject: RE: Request for Officer Identification/ DOI Subpoena

Jackie,

We are a bit surprised by plaintiff's unwillingness to work cooperatively to resolve this issue, as is required by Local Civil Rule 26.4(a) and the Standards of Civility 1.III.D.

This conduct by plaintiff is especially concerning because just last week, , counsel for plaintiffs cancelled the deposition with Officer Mattias on short notice, and defendants were more than willing to work with plaintiffs to reschedule that deposition.

Although we are not required to provide an explanation, since you have demanded one, the deposition cannot go forward tomorrow because Sgt. Saleh was on vacation and unavailable to be prepared for his deposition.

Furthermore, although you have referenced previous deposition notices, defendants have clearly objected to the last two deposition notices, and plaintiffs have still failed to substantively respond to the majority of those issues. Nevertheless, defendants have begun depositions despite a lack of agreement on a number of issues.

Finally, although you cite to Rule 30, only Rule 30(g) would even be remotely applicable. Pursuant to Rule 30(g), a party who, expecting a deposition to be taken, attends . . . may recover reasonable expenses for attending, including attorney's fees, if the noticing party fails to attend and proceed with the deposition. The Rule does not address a party requesting, hours in advance, to re-schedule a deposition. Nor have

you cited to any authority that would allow “all available and appropriate relief,” or even identified what that relief is. Nor do you identify what “directives” you believe Judge Gorenstein outlined at the past conference. Judge Gorenstein actually admonished plaintiffs for their failure to work cooperatively with the defendants. This appears to be a threat and we are unsure why you believe it is warranted.

We invite you to work cooperatively to reschedule Sergeant Saleh’s deposition, even on a date when another deposition has already been scheduled.

Elissa B. Jacobs
Senior Counsel
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New York City Law Department
100 Church Street, Room 3-193
New York, New York, 10007
(212) 356-3540

From: Grodin, Jaclyn [<mailto:Jaclyn.Grodin@ag.ny.gov>]
Sent: Monday, July 12, 2021 5:26 PM
To: Marquez, Lillian; Jacobs, Elissa (Law)
Cc: Goykadosh, Brachah (Law); Robinson, Amy (LAW); Weiss, Dara (Law); AG-NYPDLitigation
Subject: RE: Request for Officer Identification/ DOI Subpoena

Elissa:

OAG intends to proceed with the scheduled deposition of Sgt. Majer Saleh tomorrow, commencing at 10:00 AM. OAG will consider Sgt. Saleh’s failure to appear without a reasonable excuse as a violation of FRCP 30 and will seek all available and appropriate relief.

- OAG first noticed Sgt. Saleh’s deposition on for June 24, 2021 in the Notices of Depositions that my colleague, Lillian Marquez, served via email on June 9 (email attached).
- On June 30, Jennvine Wong of the Legal Aid Society (representing the *Payne* plaintiffs) served a revised deposition notice that rescheduled Sgt. Saleh’s deposition for July 9 (email attached).
- Finally, on July 2, Dara Weiss sent notice that the City was rescheduling Sgt. Saleh’s deposition for July 13, a date of the Corp. Counsel’s own choosing, after being ordered by the Court to provide Plaintiffs with deposition dates during the July 2 conference with all parties (email attached).

The City once again seeks to adjourn a long-scheduled deposition without providing

sufficient notice or a reasonable explanation for the City's unilateral decision. This is not acceptable and far out of line with the directives Judge Gorenstein has enumerated at recent conferences.

I provided you and your colleagues a WebEx link to tomorrow's deposition earlier today. As noted, OAG will commence tomorrow's deposition of Sgt. Saleh using that link at 10:00 AM.

Jackie

Jaclyn H. Grodin

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New York State Office of the Attorney General
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<image001.png>

From: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Sent: Monday, July 12, 2021 3:17 PM
To: Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>
Cc: Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Weiss, Dara (Law) <daweiss@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>
Subject: RE: Request for Officer Identification/ DOI Subpoena

What is the basis for your request to adjourn?

I am copying our team, including Jaclyn Grodin, who will be taking Sgt. Saleh's deposition tomorrow.

From: Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>
Sent: Monday, July 12, 2021 3:14 PM
To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Cc: Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Weiss, Dara (Law) <daweiss@law.nyc.gov>
Subject: RE: Request for Officer Identification/ DOI Subpoena

Lillian,

We are going to have to adjourn Sergeant Saleh's deposition tomorrow. We will work on getting a new date from him in the next day or so, as well as confirmation on documentation.

Elissa

From: Marquez, Lillian [<mailto:Lillian.Marquez@ag.ny.gov>]
Sent: Monday, July 12, 2021 11:39 AM
To: Jacobs, Elissa (Law)
Cc: Goykadosh, Brachah (Law); Robinson, Amy (LAW); Weiss, Dara (Law)
Subject: RE: Request for Officer Identification/ DOI Subpoena

Good morning, Elissa,

I understand that Dara is out so I'm following up on this with you, Elissa.

Will Defendants be producing any documentation regarding Sergeant Majer Saleh today? His deposition will be taking place tomorrow and we still have not received any production from Defendants relating to him.

Lillian

From: Marquez, Lillian
Sent: Tuesday, July 6, 2021 10:03 AM
To: Weiss, Dara (Law) <daweiss@law.nyc.gov>
Cc: Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>; Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Subject: RE: Request for Officer Identification/ DOI Subpoena

Sure –

<https://oagcloud.ag.ny.gov/index.php/s/x6QKoGlhVOGjET>
Password: NYPDLitigation

From: Weiss, Dara (Law) <daweiss@law.nyc.gov>
Sent: Tuesday, July 6, 2021 9:55 AM
To: Marquez, Lillian <Lillian.Marquez@ag.ny.gov>
Cc: Jacobs, Elissa (Law) <ejacobs@law.nyc.gov>; Goykadosh, Brachah (Law) <bgoykado@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>
Subject: RE: Request for Officer Identification/ DOI Subpoena

[EXTERNAL]

Hi Lillian,

Thank you for the reminder. I was unable to access the information on the officers, and would appreciate if you could resend it.

Thank you,
Dara

Dara L. Weiss
Senior Counsel
New York City Law Department
Special Federal Litigation
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New York, New York 10007

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Daweiss@law.nyc.gov

From: Marquez, Lillian [Lillian.Marquez@ag.ny.gov]
Sent: Saturday, July 03, 2021 12:36 PM
To: Weiss, Dara (Law)
Subject: FW: Request for Officer Identification/ DOI Subpoena

Hi Dara,

Thanks for sending the names of the incident commanders the other day. I wanted to follow up on the email below, requesting confirmation of other officer names in advance of depositions. If the link to the information we sent on those officers no longer works for you, please let me know.

Also, for the scheduled depositions for *People*, Sgts. Saleh and Quigley, please provide whatever relevant documentation you have, including any memo books and BWC footage from May 31 and July 15, respectively.

Thank you,

Lillian Marquez | Assistant Attorney General
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28 Liberty St., New York, NY 10005
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Pronouns: She/Her/Hers

From: Marquez, Lillian
Sent: Friday, June 4, 2021 5:08 PM
To: Weiss, Dara (Law) <daweiss@law.nyc.gov>
Cc: Jacobs, Elissa (Law) <bgoykado@law.nyc.gov>; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>
Subject: Request for Officer Identification/ DOI Subpoena

Good afternoon, Dara,

Hope you are well.

I am reaching out from the *People's* team separately to take you up on your offer from our last meet and confer to try and identify individual officers from photographs or stills to aid us in noticing depositions. Below is a link to several folders containing stills/photographs or video of officers who we need to identify. I have provided whatever information we have of the officers below – please confirm or correct based on your review of the images. We also seek the names of certain incident commanders' names that have not yet been produced.

Additionally, I wanted to follow up on our request for documents related to the DOI's December 2020 report on the protests. Defendants' responses to our request for DOI's investigatory file promises "all non-privileged documents

relied upon or referenced in the DOI report.” However, I understand that during the meet and confer, the City clarified that it would only be providing documents supplied to the DOI as part of its investigation but not any other documents that the DOI may have relied on, such as the DOI’s interview notes or transcripts. Unless we hear from you that our understanding is incorrect, we intend to serve the attached subpoena for those documents on the DOI by Tuesday.

Images available at:

<https://oagcloud.ag.ny.gov/index.php/s/LX7zvhw8qQdwK5O>

Password: NYPDLitigation

Officer Name	Tax ID No.	Protest Location	2020 Protest Date	Involved Individual
Captain Vitaliy Zelikov	936353	Flatbush	May 30	Various
Unknown White Shirt	Unknown	Flatbush	May 30	Various
Captain John O’Connell	937204	Union Square	May 28	Hannah Lillevoy
PO Yuriy Demchenko	946912	Union Square	May 28	Hannah Lillevoy
Det. Craig Jacob	935049	Union Square	May 28	Hannah Lillevoy
Sgt. Michael Cozier	943112	East Flatbush (Church and Bedford Ave.)	May 30	Jay Logan Clarke
PO Miguel Van Brakle	955616	East Flatbush (Church and Bedford Ave.)	May 30	Jay Logan Clarke
Sgt. Majer Saleh	929110	FDR Drive	May 31	Carlos Polanco
Unknown MOS (SRG unit)	Unknown	Barclays Center	May 29	Senator Zellnor Myrie
Unknown MOS (SRG unit)—filmed BWC at file number	Unknown	Barclays Center	May 29	Senator Zellnor Myrie
MOS Salgado	Unknown	West Side Highway	May 30	Keith Boykin
MOS Alleyne	Unknown	West Side Highway	May 30	Keith Boykin
Various SRG officers involved in the arrest of Alexandra Crousillat	Unknown	Union Square	Nov. 4	Alexandra Crousillat
Sgt. Patrick	Unknown	Brooklyn	July 15	Jemell Cole

Quigley		Bridge		
Incident Commander	Unknown	Washington Square Park	Sept. 26	
Incident Commander	Unknown	Protest No. 83, Barclays Center Brooklyn to City Hall Park Manhattan	Jan. 18, 2021	
Incident Commander	Unknown	(Protest No. 77, Washington Square Park	Nov. 4	
Incident Commander	Unknown	Protest No. 7, Central Park to Washington Square	Nov. 4	

Thank you and have a good weekend,

Lillian Marquez | Assistant Attorney General

New York State Office of the Attorney General, Civil Rights Bureau

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Pronouns: She/Her/Hers

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<Amended Notice of Deposition Sgt Majer Saleh_7.14.2021.pdf>